

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDWARD EMMETT CORKER,

Plaintiff,

v.

1:10-cv-01064-BB –WDS

JOHN HARRIS,

Defendant.

ORDER FOR MARTINEZ REPORT

THIS MATTER comes before the Court *sua sponte*. Plaintiff, who is incarcerated and proceeding *pro se*, has alleged that he was wrongfully denied access to a law library while incarcerated at the Valencia County Detention Center. Plaintiff seeks a declaration of his rights, injunctive relief, and money damages.

Martinez Report

The court may order defendants in a case brought by a prisoner proceeding *pro se* to submit a special report (Martinez report) to investigate the incident or incidents which form the basis for plaintiff's lawsuit. Martinez v. Aaron, 570 F.2d 317, 320 (10th Cir. 1978). The Tenth Circuit has authorized the district court to require a Martinez report to develop a factual or legal basis for determining whether an inmate plaintiff has a meritorious claim. See, e.g., Gee v. Estes, 829 F.2d 1005, 1007 (10th Cir. 1987).

Accordingly, to aid the Court in evaluating Plaintiff's claims in this case, Defendants shall prepare a Martinez report which shall address the following matters:

1. All documentation relating to the manner in which Valencia County Detention Center provides for inmates' access to legal research material, including any information provided to inmates to advise them of the research material available to them, and the identity of the employee

at the detention center whose responsibilities include the provision of legal research material to inmates. If appropriate, Defendant can submit an affidavit describing the legal resources available to inmates.

2. Documentation related to any grievances which Plaintiff filed in connection with the aforementioned issue. Defendants should include a copy of the grievance petition, and any administrative response or action taken.

Defendants' Martinez report shall address each point in numbered paragraphs. Documents in support of the report may be submitted simultaneously with the report, but the submission of documents alone, or documents submitted with an index but without an accompanying report, shall not be considered to be in compliance with this order. Defendants shall submit affidavits in support of the report if necessary.

The report shall be filed on or before January 13, 2012. Defendants shall serve a copy of the report and documentation on Plaintiff, who shall have twenty days from the date of service to respond. Motions for extensions of time shall be given due consideration. **The parties are hereby given notice that the report may be used in deciding whether to grant summary judgment on Plaintiff's claims; the parties should submit whatever materials they consider relevant to Plaintiff's claims.** See *Hall v. Bellmon*, 935 F.2d 1106 (10th Cir. 1991).

IT IS SO ORDERED.



W. DANIEL SCHNEIDER
UNITED STATES MAGISTRATE JUDGE